

FISH & RICHARDSON P.C.

RECEIVED
CENTRAL FAX CENTER

APR 11 2007

1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005

Telephone
202 783-5070

Facsimile
202 783-2331

Web Site
www.fr.com

Date April 11, 2007

To Melanie Jo Hand
USPTO

Telephone:

Facsimile number 00167-43200002 / (571) 273-8300

From Roberto J. Devoto

Re One Step Anchor
Your Ref.: 10/724,121
Our Ref.: 00167-432002

Number of pages
including this page 4

Message

Substance of Interview and Terminal Disclaimer

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at 202 783-5070 to arrange for its return. Thank you.

Attorney's Docket No.: 00167-432002 / 02-31-0500

Applicant : Dennis Colleran et al.
Serial No. : 10/724,121
Filed : December 1, 2003
Title : TISSUE REPAIR SYSTEM

Art Unit : 3738
Examiner : Melanie Jo Hand

RECEIVED
CENTRAL FAX CENTER

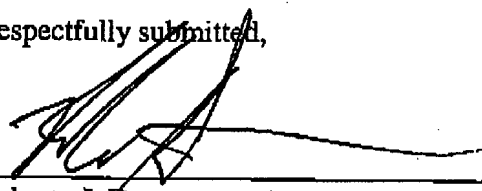
APR 11 2007

STATEMENT OF SUBSTANCE OF INTERVIEW WITH ATTACHED
TERMINAL DISCLAIMER

Applicants thank Examiner Hand for the telephone interviews of March 26, 2007 and April 3, 2007 regarding the above application. During the interviews, Examiner Hand indicated that the pending claims would be allowed if a double-patenting rejection over U.S. Patent No. 6,986,781 were overcome. Applicants submit the attached terminal disclaimer and respectfully request allowance of the pending claims.

Applicants believe that no fees are due in connection with the filing of this statement. Nevertheless, if any fees are due, please charge the fees to deposit account 06-1050.

Respectfully submitted,

Date: 4/11/07

Roberto J. Devoto
Reg. No. 55,108

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40410971.doc

Attorney's Docket No.: 00167-432002 / 02-31-0500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

APR 11 2007

Applicant : Dennis Collieran et al.
Serial No. : 10/724,121
Filed : December 1, 2003
Title : TISSUE REPAIR SYSTEM

Art Unit : 3738
Examiner : Melanie Jo Hand
Conf. No. : 9916

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), SMITH & NEPHEW, INC., a corporation, certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of:

☒ An assignment from the inventor of Application Serial Number 09/986,392. The assignment was filed on December 10, 2001. The Patent and Trademark Office recorded the assignment at Reel 012356, Frame 0228 on December 10, 2001. A copy of the assignment and notice of recordation is attached. The parent application issued as U.S. Patent No. 6,986,781 on January 17, 2006.

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of U.S. Patent No. 6,986,781 provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,986,781.

The assignee identified above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S. Patent No. 6,986,781 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed

Applicant : Dennis Collier et al.
Serial No. : 10/724,121
Filed : December 1, 2003
Page : 2 of 2

Attorney's Docket No.: 00167-432002 / 02-31-0500

under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,986,781.


This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$130 for the required fee pursuant to 37 C.F.R. § 1.20(d). Please apply any other charges or credits to Deposit Account No. 06-1050.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SMITH & NEPHEW, INC.

Date: 4/3/07


GEORGE K. STACEY, ESQ.

Title: Assistant Secretary

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

4-3-07 00167-432002 terminal disclaimer.doc